

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2388 OF 2005

Santosh Tukaram Sahane ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Ajit Ram Pitale for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MAY 2, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Having regard to the fact that the Applicant and the prosecutrix are related to each other and the parents of both sides have already accepted the position that marriage of Applicant and prosecutrix was performed at Nasik, coupled with the fact that the Applicant is in custody

since 31st October 2004 and investigation is complete, charge-sheet has been filed and there are no antecedents against the Applicant and further that the Applicant undertakes through his Counsel that he shall not attempt to contact the prosecutrix till she attains the age of majority and that, he will not enter into any other marriage and/or disown the marriage with the prosecutrix at a later stage, when she attains majority, the Applicant is directed to be released on bail.

4. Affidavit of Smt.Mandabai Tukaram Sahane, mother of the Applicant sworn on 2nd May 2005 has been placed on record disclosing the above facts.

5. In this peculiar situation, the Applicant is ordered to be released on bail, but on the following conditions:

(a) The Applicant is directed to be released on bail in connection with C.R.No.I-52 of 2004 registered with Kasara Police Station, Taluka Shahapur, District Thane, on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen

Thousand) with two local sureties in the like amount.

(b) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(c) Applicant shall not enter the jurisdiction of Kasara Police Station or attempt to contact Swati Vilas Kokane (prosecutrix) in Kasara or any other place till she attains majority.

(d) Applicant shall disclose his place of residence to the Investigating Officer as well as the Trial Court within one week from the date of release.

6. Application disposed of accordingly.

A.M.KHANWILKAR, J.